

## CAREGIVER INFORMATION SHEET

### EXTRACURRICULAR, ENRICHMENT AND SOCIAL ACTIVITIES, AND THE REASONABLE AND PRUDENT PARENT STANDARD

This Information Sheet is intended to give you information regarding current law which entitles foster children to participate in age-appropriate, extracurricular, enrichment, and social activities.

Current law contained in Section 362.05 of the Welfare and Institutions Code (W&IC) provides that:

- Every child adjudged a dependent child of the juvenile court (a foster child) shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities.
- Caregivers must use a “prudent parent standard” in determining whether to give permission for a foster child to participate in extracurricular, enrichment, and social activities.
- Caregivers must take reasonable steps to determine the appropriateness of the activity in consideration of the child’s age, maturity, and developmental level.
- Any state or local regulation or policy which prevents or creates barriers to participation in those activities is prohibited.
- Each state and local entity is required to ensure that private agencies providing services to foster children have policies consistent with this section and that those agencies promote and protect the ability of foster children to participate in age-appropriate extracurricular, enrichment, and social activities.

New law added the term “reasonable” to expand the meaning of the current prudent parent standard. Effective January 1, 2006, caregivers are required to use the new reasonable and prudent parent standard, which is defined as follows:

- *“Reasonable and prudent parent” standard means the standard characterized by careful and sensible parental decisions that maintain the child’s health, safety, and best interests.*

Every day, parents make important decisions about their children’s activities. Foster parents are faced with making the same decisions for the foster children in their care. However, when foster parents make decisions they also must consider licensing or approval laws and regulations to ensure the health and safety of foster children in care.

The California Department of Social Services understands that state law and regulations have previously prohibited youth from participating in extracurricular activities unless certain requirements were met. Now, however, W&IC Section 362.05 empowers foster parents to approve or disapprove activities based on their own assessment using a “reasonable and prudent parent standard” without prior approval of the child’s social worker, the licensing or approval agency, or the juvenile court.

In enacting this law, the Legislature recognized the importance of making every effort to normalize the lives of foster children. Typical childhood activities in which foster children have been denied participation in the past include, for example, school-sponsored field trips or sports, sleep-over with friends, scouting, and 4-H activities. Frequently, foster parents are reluctant to sign permission slips for foster children, when this should not be the case. Participation in these types of activities is important to the child's wellbeing, not only emotionally, but in developing valuable life-coping skills.

In applying the "reasonable and prudent parent standard," foster parents are required to take "reasonable steps" to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level. It is recognized that there are many different ways to determine whether an activity is appropriate for a foster child in your care.

Therefore, the following examples of "reasonable steps" that a foster parent may take in making this determination is provided as a guide to assist you in your decision-making process

- Have adequate information about the foster child in your care so you can make informed decisions. For example, make an effort to be aware of anything in the foster child's history or case plan, and of any orders issued by the juvenile court that may suggest that a particular activity would not be appropriate for the foster child. If you are not aware of the child's history or if the case plan is silent on whether the proposed activity would be appropriate, you are encouraged to consult with the child's social worker.
- Take into account the type of activity and consider the foster child's mental and physical health, and behavioral propensities.
- Consider where the activity will be held, with whom the foster child will be going, and when they will return.
- Consider all the information you have gathered and ask the question: is this an age-appropriate extracurricular, enrichment or social activity?
- Take into account the reasonably foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the foster child. (i.e., hunting, paint ball, archery or similar activities that may pose a higher risk).

This law only applies to participation in age-appropriate extracurricular, enrichment, and social activities. This law does not apply, for example, to unsupervised time at home. Any person having contact with a foster child for purposes other than those associated with a foster child's participation in age-appropriate, extracurricular, enrichment and social activities must comply with existing criminal background check requirements specified in Health and Safety Code Section 1522 and W&IC Sections 39(d) and 361.4, as applicable.